



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:tj

Docket No: 3838-99

17 August 1999

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC Memorandum 1400/3 MMPR-2 of 29 July 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HARRY LEE HALL, 17 LEJEUNE ROAD  
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:  
1400/3  
MMPR-2  
29 Jul 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF SERGEANT DEREK D.  
[REDACTED]

Ref: (a) CMC MM ALMAR 346/98 (DTG 220541Z Aug 98)  
(b) CMC MM MARADMIN 039/98 (DTG 210541Z Sep 98)  
(c) CMC MM MARADMIN 087/98 (DTG 210541Z Oct 98)  
(d) CMC MM MARADMIN 127/98 (DTG 200541Z Nov 98)  
(e) CMC MM MARADMIN 171/98 (DTG 200541Z Dec 98)

1. [REDACTED] is requesting that his date of rank as a sergeant be backdated to 1 September 1998.

2. A review of references (a) through (e) and information resident in the Marine Corps Total Force System (MCTFS) indicates [REDACTED] was erroneously promoted to the rank of sergeant on 1 September 1998. Although eligible for promotion, he failed to make the required cutting score in order to receive a select grade in the MCTFS. Sergeant Beeler met the cutting score for promotion to sergeant for 1 February 1999. He was properly promoted to sergeant in the MCTFS and began receiving his appropriate pay and allowances.

3. It is strongly recommended his petition be denied. Sergeant [REDACTED] unit should prepare a corrected certificate of appointment.

CLAUD R. JONES  
Head, Enlisted Promotion Section  
Promotion Branch  
By direction of